

**CALIFORNIA ENERGY COMMISSION**

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**CALIFORNIA HIGHWAY PATROL**

2555 FIRST AVENUE  
SACRAMENTO, CA 95818

June 13, 2003

Ms. Jessie H. Roberson  
Assistant Secretary  
U.S. Department of Energy  
Office of Environmental Management  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Ms. Roberson:

This is to advise the U.S. Department of Energy (DOE) that California does not concur with the routes that DOE has selected for the shipments from the Nevada Test Site (NTS) to the Waste Isolation Pilot Plant (WIPP). We Understand DOE is in the process of preparing for shipments to WIPP along this corridor and plans to begin shipments on June 30. We request that DOE postpone these shipments until this routing issue can be satisfactorily resolved.

We are concerned that DOE is rerouting increasing numbers of nuclear waste shipments through southeastern California to and from DOE sites in Nevada in order to avoid transit through Las Vegas and over Hoover Dam. Although we understand the need to avoid shipments through these areas, we do not understand the rationale for diverting shipments into California, when there are better roads and more direct alternative routes that avoid these areas. The proposed NTS route in California extends approximately 329 miles via California State Route 127, then Interstate 15 to Barstow and finally east on US Route 40 to Arizona. (Please see Attachment 1). This is a longer, less direct route than alternative routes. Route 127 was not engineered for heavy truck traffic, has extremely long stretches of roadway with no shoulders, and originally was a wagon road to Death Valley that was paved over. It has extremely limited and remote emergency response capability, and has seasonal heavy tourist traffic since it is the primary access route to the Death Valley National Park (1.25 million visitors annually).

California representatives have objected for years to DOE's plans to divert more shipments into California and use California State Route-127 and Barstow for the NTS shipments. However, in spite of these concerns, DOE has persisted in planning to use this route. We strongly object to DOE's diversion of shipments through California, adding considerable distance and time in transit.

The Western Governors and the Secretary of Energy recently endorsed the "WIPP Transportation Safety Program Implementation Guide" in a Memorandum of Agreement. This Guide says that DOE is committed to following the U.S. Department of Transportation's (DOT) Highway Route Controlled Quantities (HRCQ) guidelines for WIPP shipments and

that DOE "will consult with affected states for the use of an alternative route that is not formally designated under the DOT regulations." Upon completion of the preferred route designation or negotiation process, states must "either file their routing designations with the DOT's Federal Motor Carrier Safety Administration (FMCSA) or advise the DOE-CBFO of their concurrence with negotiated routes. " Neither of these events has occurred for the proposed route in California.

At the heart of the overall success and public acceptance of these WIPP shipments is the DOE/Western Governors' Association cooperative transportation safety program, including the transport safety protocols in the Guide. It would set an undesirable precedent and contradict the spirit and intent of this cooperative effort if DOE begins shipments on a route, without concurrence from the affected states. It is unlikely that other states involved in the WIPP Transportation Safety Program would welcome such a precedent.

Finally, only eight out of the approximately 40-60 NTS shipments are planned for transport this summer followed by a long delay, anticipated to be years, until more wastes can be prepared for shipment. It would seem prudent, in terms of efficiency in the use of emergency response resources, to postpone these shipments until these issues can be resolved and shipments are consolidated. This region is entering its peak fire season, anticipated to be one of the worst on record. Emergency crews are fully preoccupied with fire protection and other duties. We question the need to begin only a few NTS shipments to WIPP this Summer, only to halt them for years until more waste can be prepared for shipment.

In light of these concerns, California respectfully requests that DOE postpone these shipments until these issues can be satisfactorily resolved.

Sincerely,

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JAMES D. BOYD, Commissioner and  
California Representative on the WIPP Technical Advisory Group  
California Energy Commission

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D.O. HELMICK  
Commissioner,  
California Highway Patrol

Attachment: Proposed Truck Routes for DOE TRUW Shipments to WIPP

Cc: The Honorable Dianne Feinstein  
The Honorable Barbara Boxer  
The Honorable Jerry Lewis  
The Honorable Sam Farr  
Patrice Bubar, DOE-HQ  
Dr. Inez Triay, Casey Gadbury, Ralph Smith, DOE-CBFO  
WGA WIPP Transport Advisory Group